

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cr-30004-SMY
)	
KENNETH ROSE,)	
)	
Defendant.)	

ORDER

YANDLE, District Judge:

Defendant Kenneth Rose was sentenced on June 25, 2019, to 120 months' imprisonment for armed bank robbery (Count 1) and brandishing a firearm during a crime of violence (Count 2) (Docs. 29, 32). Now pending before the Court is Rose's motion for compassionate release. Rose asserts that extraordinary and compelling reasons exist for his release because the Bureau of Prisons is not calculating his sentence correctly (Doc. 43). For the following reasons, the motion is **DENIED**.

A motion for compassionate release is not the proper vehicle to address an alleged erroneous sentence calculation. Rather, a prisoner who believes the Bureau of Prisons has erred in its calculation of his federal sentence can challenge the execution of his sentence by bringing a petition for writ of habeas corpus under 28 U.S.C. § 2241. *See United States v. Scott*, 775 F. App'x 252, 253 (7th Cir. 2019); *see also Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000); *United States v. Wilson*, 503 U.S. 329, 334-336 (1992).

A petition filed pursuant to § 2241 must name the prisoner's custodian as respondent and must be filed in the district of custody. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004). Rose is currently housed at FCI Forrest City Low in Forrest City, Arkansas. As such, he should file an appropriate

request with the BOP and, if that fails, is free to seek relief under § 2241 in the United States District Court for the Eastern District of Arkansas.

IT IS SO ORDERED.

DATE: January 30, 2024

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is written around the top half of the seal, and "EASTERN DISTRICT OF ARKANSAS" is written around the bottom half.

STACI M. YANDLE
United States District Judge